

# Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649  
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## Board of Health Minutes 07/17/2014

### Town of Mashpee

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

#### BOARD OF HEALTH – PUBLIC SESSION

##### Minutes of the Meeting of July 17, 2014

<b>Board Members Present:</b>	<b>Member Absent:</b>	<b>Also Present:</b>
Lucy Burton, Chair	Kalliope Egloff, Clerk	Glen Harrington, Health Agent
Burton Kaplan, Co-Chairman		

Chair Lucy Burton called the meeting to order at 7:00 PM.

##### APPOINTMENTS

###### 7:15 PM – Santuit Pond Estates Association – Bathing Beach Violation.

Jeff Smith, President of the Santuit Pond Estates Association, introduced himself to the Board.

Glen Harrington stated that the Santuit Pond Estates Association beach was not sampled last year as the Association did not contract with Barnstable County or anyone to perform the testing. The pond was closed due to algae blooms from June 4, 2013, to July 9, 2013. The algae advisory signs would have been posted at the Santuit Pond Association beach, the boat landing and Bryant's Cove beaches. Bethany Sadlowski of the Barnstable County Beach Program did notify Mr. Harrington in late July 2013 that Santuit Pond Estates Association was not responding to inquiries to comply. No further algae or bacterial closures were identified on the pond for the remainder of the season. In 2014, the Santuit Pond Estates Association contracted with the Barnstable County Beach Program and sampling started on June 11, 2014.

Mr. Smith commented that he has been president of the Santuit Pond Estates Association since October 2013. The Association was failing with the lack of a full board and minimal participation. Mr. Smith is taking the necessary steps that proper testing of the bathing beach be performed.

Paul Bober of Santuit Pond Estates Association, introduced himself to the Board.

Mr. Bober stated that there are 153 residents in Santuit Pond Estates Association obligated to pay dues and last year only 46 paid. This only covers the bare necessities which is liability insurance and taxes for Santuit Pond Estates Association. In 1962 when the Association was established, the deeds were written poorly. The deeds stated that the dues were voluntary. Collecting of the dues was difficult, and liens were placed on all of the properties that did not pay dues.

Mr. Bober commented that he did communicate with Bethany Sadlowski of the Barnstable County Beach Program last year. The beach was posted that it would not be monitored at that point in time. Many of the neighbors would not swim in the pond because of the algae blooms and therefore would not pay their dues.

Lucy Burton stated that in the past the Board fined an Association \$100 a week for the number of weeks that the bathing beach testing did not take place. As for the Santuit Pond Estates Association that is struggling to re-organize, issuing a fine would drain the budget.

Burton Kaplan made a motion that the Board of Health waive the fines for the 2013 Bathing Beach Program for Santuit Pond Estates Association. Lucy Burton seconded the motion. The motion was unanimously approved.

###### 7:20 PM – Sean Sacchetti – Temporary Housing Request – 394 Cotuit Road.

Sean and Jamie Sacchetti of 394 Cotuit Road introduced themselves to the Board.

On June 12, 2014, the Board of Health received a complaint regarding a tent and two occupants living in the back yard of 394 Cotuit Road. Mr. Harrington was trying to schedule an internal inspection of the dwelling of that property so he waited to confirm the temporary housing complaint. On June 24, 2014, Mr. Harrington performed an inspection of the property and confirmed that there was a tent with the occupants, Jamie and Sean Sacchetti. The order letter to the owner stated that they had the option of a cease and desist or to request permission from the Board of Health for temporary housing according to the Sanitary Code. The request for permission was received by the Board of Health on July 9, 2014.

#### **EXECUTIVE SESSION**

Lucy Burton made a motion that the Board of Health enter into Executive Session for the discussion of the property and occupants which includes the reputation, character, physical condition, and mental health of the occupants, to return to the Public Session. Burton Kaplan seconded the motion. The motion was unanimously approved.

**Roll Call Vote:** Lucy Burton, yes; Burton Kaplan, yes.

At 7:29 PM the Board of Health entered into Executive Session.

At 7:47 PM the Board of Health resumed the Public Session meeting of July 17, 2014.

#### **7:25 PM – Thomas Bunker, BSS Design – Title V Variance – 124 Summersea Road.**

Jeff Ryther of BSS Design, representing Paul Trane of 124 Summersea Road, introduced himself to the Board.

Mr. Ryther stated that this is a variance request for a Soil Absorption System less than 20 feet to the cellar wall. The site plan depicts razing the existing dwelling and reconstructing a new 3-bedroom dwelling, utilizing the existing septic system. Mr. Ryther is also requesting a 5-foot variance for the septic tank. The proposed plan has an impervious membrane against the house for mitigation.

Lucy Burton commented that the proposed plan depicts a den/study on the first floor, which must have at least a six-foot cased opening with no doors, including pocket doors, so that a bedroom cannot be constructed in the future.

Burton Kaplan noticed that the plan indicates an outdoor shower. Since this is grey water, the outdoor shower will need to be connected to the septic tank.

Lucy Burton made a motion that the Board of Health grant a 5-foot variance to the septic tank and an 11-foot variance to the Soil Absorption System for 124 Summersea Road with the conditions that the den/study has at least a 6-foot cased opening with no doors and the outdoor shower is plumbed into the septic system. Burton Kaplan seconded the motion. The motion was unanimously approved.

#### **7:30 PM – Matt Costa, Cape & Islands Engineering – Title V Variance – 55 Pequot Avenue.**

Lucy Burton commented that it appears this is a house with an existing garage that has been converted to unheated living space and the construction of a new two-story detached garage located. Ms. Burton's concern is the second story to the garage, and since this is a Zone II, the house is restricted to two bedrooms. Ms. Burton would like to condition the motion that there is no plumbing or heating to the new detached garage.

Lucy Burton made a motion that the Board of Health approve the Title V Variance for 55 Pequot Avenue with the condition that there is no plumbing or heating to the new detached garage and that there be a deed restriction with a limit of two bedrooms for the property. Burton Kaplan seconded the motion. The motion was unanimously approved.

#### **7:35 PM – Keith Fernandes, J.M. O'Reilly & Associates – Local Board of Health Variance –**

**Sea Oaks Condominium.**

Lucy Burton stated that the Local Board of Health Variance for Sea Oaks Condominium is continued to the next meeting scheduled on August 7, 2014.

#### **NEW BUSINESS**

**1. Sign Expense Warrants. None.**

**2. Review/Approve BOH Public Session Minutes: June 19, 2014.**

Burton Kaplan made a motion that the Board of Health approve the Public Session minutes of June 19, 2014, as written. Lucy Burton seconded the motion. The motion was unanimously approved.

**3. Request for 2014 Incidental Retail Permit: The Dollar Saver (401 Nathan Ellis Highway).**

Glen Harrington commented that this is an Incidental Retail Food permit for The Dollar Saver. A final inspection was performed on July 3, 2014, by Veronica Warden. Ms. Warden informed Mr. Harrington that one aisle is dedicated to pre-packaged products. An earlier opening for the Dollar Saver was allowed by the Chair.

Burton Kaplan made a motion that the Board of Health approve the 2014 Incidental Retail Food permit submitted by The Dollar Saver. Lucy Burton seconded the motion. The motion was unanimously approved.

**4. Request for 2014 Retail and Food Service Permits: Organic Market (32 Market Street).**

Glen Harrington remarked that the owner of Organic Market requested an earlier opening; therefore, the Chair allowed Organic Market to open on a temporary basis. A final inspection was performed on July 1, 2014, with no issues.

Burton Kaplan made a motion that the Board of Health approve the 2014 Retail and Food Service Permits submitted by Organic Market. Lucy Burton seconded the motion. The motion was unanimously approved.

**5. Variance request to allow home visits for Bodywork: Janis L. Parks.**

Janis Parks, R.N., L.M.T., introduced herself to the Board.

Ms. Parks commented that the bodywork part of her profession is Reiki and quantum touch, energy work. Ms. Parks is studying Polarity Therapy and some of the Ayurvedic Therapies. Her main focus is massage but would like to add some of the energy therapies. Ms. Parks is aiming towards working with the elderly and hospice type population at the moment. Ms. Parks has been a registered nurse for 37 years and graduated in May 2014 as a massage therapist.

Glen Harrington commented that the Bodywork License will permit Ms. Parks to practice at a licensed facility as well as allowing the home visits.

Burton Kaplan made a motion that the Board of Health approve the application for Bodywork Practitioner submitted by Janis L. Parks. Lucy Burton seconded the motion. The motion was unanimously approved.

**6. Variance request to Local Board of Health Regulation: 39 Ships Wheel Drive.**

Glen Harrington commented that on June 6, 2013, a septic inspection was performed at 39 Ships Wheel Drive which identified the existing septic tank to be older than 30 years and required replacement per the Board of Health regulation at that time. The regulation has since been amended to inspect the tank according to additional criteria. The re-inspection was done on July 10, 2014, by Frank Nunes. The tank was reported to be pumped and was structurally sound.

Burton Kaplan made a motion that the Board of Health approve the variance request submitted for 39 Ships Wheel Drive. Lucy Burton seconded the motion. The motion was unanimously approved.

**ADDITIONAL TOPICS**

**1. FY2015 Landfill Monitoring Contract.**

Lucy Burton made a motion that the Board of Health add the FY2015 Landfill Monitoring Contract to New Business. Burton Kaplan seconded the motion. The motion was unanimously approved.

Lucy Burton made a motion that the Board of Health award the FY2015 Landfill Monitoring Contract to Horsley Witten Group. Burton Kaplan seconded the motion. The motion was unanimously approved.

**NEXT MEETING**

The next meeting of the Board of Health is scheduled for Thursday, August 7, 2014, at 7:00 PM. As there was no further business, Burton Kaplan made a motion to adjourn the Public Session Meeting of the Board of Health at 8:02 PM. Lucy Burton seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos  
Administrative Assistant  
Mashpee Board of Health

attachments

